

State of California
Department of Consumer Affairs

**BOARD FOR GEOLOGISTS
AND GEOPHYSICISTS**

***BOARD MEMBER
GUIDELINES AND
PROCEDURES MANUAL***



Paul Sweeney, Executive Officer
2535 Capitol Oaks Drive, Suite 300A
Sacramento, California 95833
(916) 263-2113 (916) 263-2099 (FAX)
geology@dca.ca.gov (e-mail)
www.dca.ca.gov/geology

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Preface

This document is a summary of existing laws as well as internal Board policies and procedures. Effective August 15, 1997, the date of adoption of this document, all previous internal Board policies and procedures are rescinded.

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Introduction

Overview

The California Board for Geologists and Geophysicists (Board) was created by the California Legislature in 1969 to safeguard the public's health, safety and welfare. It is one of the boards, bureaus, commissions and committees within the Department of Consumer Affairs (DCA), part of the State and Consumer Services Agency under the aegis of the Governor. The DCA is responsible for consumer protection and representation through the regulation of licensed professions and the provision of consumer services. While the DCA provides administrative oversight and support services, the Board has policy autonomy and sets its own policies, procedures and regulations.

Strategic Plan

The Board's mission, vision, goals, objectives and action plans are in its Strategic Plan which was originally adopted in June 1997 and annually will be reviewed and revised as needed.

Abbreviations

Agencies

BPELS	Board for Professional Engineers and Land Surveyors
BGG	Board for Geologists and Geophysicists
DCA	Department of Consumer Affairs
DMG	Division of Mines and Geology
OAH	Office of Administrative Hearings
OAL	Office of Administrative Law
SMGB	State Mining and Geology Board
SWRCB	State Water Resources Control Board
USGS	United States Geological Survey

Codes

B&P	Business and Professions Code
CAC	California Administrative Code
CCR	California Code of Regulations
CGC	California Government Code

Abbreviations (Cont.)

Organizations

AAPG	American Association of Petroleum Geologists
AEG	Association of Engineering Geologists
AGI	American Geological Institute
AGU	American Geophysical Union
AIPG	American Institute of Professional Geologists
ASBOG	National Association of State Boards of Geology
CCGO	California Council of Geoscience Organizations
CPIL	Center for Public Interest Law
CLEAR	Council on Licensure, Enforcement and Regulation
GSA	Geological Society of America
PECG	Professional Engineers in California Government
SEG	Society for Exploration Geophysicists
SSA	Seismological Society of America

Titles

AG	Attorney General
ALJ	Administrative Law Judge
DA	District Attorney
DAG	Deputy Attorney General
EO	Executive Officer

Chapter 1. Board

Composition

(B&P section 7810)

The Board is composed of seven members of which, by law, four are public members, two are Registered Geologists and one is a Registered Geophysicist. The Governor appoints the two Registered Geologists, one Registered Geophysicist and two of the public members. One public member is appointed by the Assembly Speaker, and one public member is appointed by the Senate Rules Committee. Board members may serve up to two consecutive four-year terms.

Officers

(CCR section 3006)

*(Board Policy - Adopted 8/15/97,
amended 8/14/98)*

The Board shall elect from its members a President and a Vice President, one of whom should be a public member and one of whom should be a professional member, to hold office for one year or until their successors are duly elected.

Elections shall take place at the first annual Board meeting following July 1. All officers may be elected on one motion or ballot as a slate of officers unless objected to by a Board member.

If the office of President becomes vacant, the Vice President shall assume the office of the President. If the office of Vice President becomes vacant, an election shall be held at the next scheduled Board meeting. Elected officers shall then serve the remainder of the term.

Meetings

(B&P section 7816)

*(Board. Policy - Adopted 8/15/97,
amended 9/29/00)*

The Board will meet four times a year and may meet more often as it determines necessary.

The Board will endeavor to hold meetings in different geographic areas throughout the state as a convenience to the public and licensees.

Board Member Attendance at Board Meetings

(Board Policy – Adopted 8/15/97)

Board members shall attend each meeting of the Board. If a member is unable to attend, he/she is requested to contact the Board President or the Executive Officer.

Quorum

(B&P section 7817)

Four members of the Board constitute a quorum of the Board for the transaction of business.

Agenda Items

*(Board Policy – Adopted 8/15/97,
amended 2/4/00)*

Any Board member may submit items for a Board meeting agenda to the Board President 21 days prior to the meeting.

The Board meeting agenda package will be sent to Board members 7 days prior to the meeting.

Record of Meetings

*(Board Policy – Adopted 8/15/97,
amended 2/4/00)*

The minutes are a summary, not a transcript, of each Board meeting.

The minutes and Assignments of Board Directives shall be prepared by Board staff and submitted for review by Board members within 20 working days after the Board meeting.

Board minutes shall be approved at the next scheduled Board meeting and serve as the official record of the meeting.

Once draft Board minutes and Assignments of Board Directives are distributed to Board members, they can be included in any Committee agenda package with the understanding that the draft minutes shall not be circulated but will be used to expedite the committee work.

Approved minutes of the open session are available for distribution to the public and shall be posted on the Board's website.

Tape Recording

(Board Policy – Adopted 8/15/97)

Public Board meetings are tape-recorded. Tape recordings shall be retained for one year. Closed session proceedings shall be taped at the discretion of the Board.

Meeting Rules

(Board Policy – Adopted 8/15/97)

Board meetings will be conducted under Robert's Rules of Order to the extent that it does not conflict with the Bagley-Keene Open Meeting Act.

Communication

(Board Policy – Adopted 8/15/97)

The Board President, his/her designee or the Executive Officer shall serve as spokesperson to the media on Board actions or policies.

Any written or oral communications concerning Board matters of a sensitive nature shall be made only by the Board President, his/her designee or the Executive Officer.

Correspondence

(Board Policy – Adopted 8/14/99)

Originals of all correspondence received shall be maintained in the Board's office files. Only copies of such correspondence shall be given to the Executive Officer and/or Board members as required.

Ethics Training

(CGC section 11146 et seq.)

(Board Policy - Adopted 2/4/00)

Ethics training for continuing and new Board members will be accomplished in accordance with the law and DCA procedures.

Chapter 2. Board President

The duties of the Board President include, but are not limited to,:

Supervision of Executive Officer

(Board Policy – Adopted 8/15/97)

The Board President is the immediate supervisor of the Executive Officer. Specific instructions for work on Board policy matters by the Executive Officer from board members shall be coordinated through the Board President.

The incoming Board President shall assume all delegated duties at the close of the annual election meeting, including supervision of the Executive Officer.

Performance Appraisal of Executive Officer

(CGC section 11126(a)(4))

(Board Policy – Adopted 8/15/97, amended 8/14/99)

The Board President shall request from each Board Member input to the performance appraisal and salary administration of the Executive Officer prior to his/her draft preparations.

The performance appraisal of the Executive Officer shall be presented in draft form to the Board by the Board President at the annual election meeting.

Matters relating to the performance of the Executive Officer shall be discussed in closed session unless he or she requests that it be discussed in open session.

Chapter 3. Executive Officer

Appointment

(B&P section 7815.5)

The Board appoints an Executive Officer who serves at the pleasure of the Board. He/She may be terminated at any time for any reason whatsoever, with or without good cause, and notwithstanding any representation to the contrary by any individual board member.

Role

(CCR section 3004)

The Executive Officer is the Board's chief administrative officer. He/She implements the policies developed by the Board.

Recruitment

(Board Policy – Adopted 8/15/97)

The Board shall institute an open recruitment plan to obtain a pool of qualified Executive Officer candidates. It shall also utilize proven equal employment opportunity and personnel recruitment procedures.

Selection

(Board Policy – Adopted 8/15/97)

A qualified candidate for Executive Officer must demonstrate abilities that include the supervision of employees, conflict resolution and complaint mediation, public speaking and effective written and verbal communication skills. The candidate must have knowledge and expertise in the areas of administration, licensing, enforcement, legislation and budget.

(CGC section 11125)

The selection of a new Executive Officer shall be included as an item of business, which must be included in a written agenda and transacted at a public meeting.

Board Staff

(Board Policy – Adopted 8/15/97)

The Board delegates all authority and responsibility for management of the civil service staff to the Executive Officer.

Chapter 4. Committees

Standing Committees

(Board Policy – Adopted 8/15/97, amended 12/12/97, amended 2/4/00)

The Board has five standing committees:

- Enforcement Oversight Committee
- Examination Committee
- Executive Committee
- Legislative Committee
- Technical Advisory Committee

Internal organization of each committee is at its discretion except as specified in this manual.

Enforcement Oversight Committee

(Board Policy – Adopted 12/12/97, amended 2/4/00)

The purpose of the Enforcement Oversight Committee is to continually seek ways to improve the Board's enforcement activities and to review closed cases to assist in identifying trends in enforcement activities or situations where enforcement procedures might be improved.

The Committee shall consist of two members, one of whom is a Board member.

Terms shall be two years, and members shall serve a maximum of three full, consecutive terms. One of the first two members shall serve a maximum of two terms, ending June 30, 2002, and the second member shall serve a maximum of three terms, ending June 30, 2004.

Meetings shall be held in Sacramento two or three times per year or as work requires.

Examination Committee

(Board Policy – Adopted 8/15/97, amended 10/10/97, 12/12/97, 2/20/98, 2/4/00)

The purpose of the Examination Committee is to provide support and advice to the Board regarding examination of eligible applicants for registration as a geologist or geophysicist, or for certification in a specialty. This includes preparing examinations and direction and support in the grading of examinations.

The Committee's goals are to:

- Develop and cause to be graded appropriate written examinations for Registered Geologists, Registered Geophysicists, Certified Engineering Geologists and Certified Hydrogeologists, and to

Examination

Committee (cont.)

do so for any other designated disciplines in accordance with the provisions of the laws and regulations governing the licensing of these professions.

- Provide advice to staff regarding the appropriate administration of the examinations and oversee the periodic external review of examination validity by qualified psychometricians. The purpose of the external examination validation process is to assure that examinations are relevant to the current professional practice of geology or geophysics in the public interest and are at an appropriate level of complexity.
- Develop and continually upgrade the examination question bank and protect the confidentiality of the examination questions in cooperation with the Department of Consumers Affairs, Office of Examination Resources.
- Establish and maintain a pool of qualified and available examination graders and subject matter experts.
- Provide guidance and suggestions for the improvement of regulations, guidelines and operations impacting the examination process.
- Establish the pass point for each examination using appropriate methodology and personnel.

The Committee shall consist of six voting members who are experts in the fields of geology, geophysics, engineering geology and/or hydrogeology. Two memberships expire on June 30, 1999, two memberships expire on June 30, 2000, and two memberships expire on June 30, 2001.

Meetings shall be held in Sacramento as Board-directed work requires.

Executive Committee

The Executive Committee consists of the President, Vice President and one other Board member.

(Board Policy – Adopted 8/15/97)

Legislative Committee

*(Board Policy – Adopted 8/15/97,
amended 10/10/97, 12/12/97, 2/20/98,
2/4/00)*

The purpose of the Legislative Committee is to provide information and/or make recommendations to the Board and committees of the Board on matters relating to legislation affecting the regulation of Registered Geologists, Registered Geophysicists, Certified Engineering Geologists and Certified Hydrogeologists in the public interest.

The Committee's goals and objectives are to:

- Monitor current legislation on behalf of the Board and make position recommendations to the Board at each Board meeting.
- Serve as a resource to other Board committees on legislative and regulatory matters.
- Serve as a resource for the Board to implement proposed revisions to the Act and Board regulations.

The Committee shall consist of three voting members. Ex-officio members from the Sacramento area may be appointed. One membership expires on June 30, 1999, and two memberships expire on June 30, 2000.

Meetings shall be held in Sacramento four times per year or as Board-directed work requires.

The classification system to be used by the Legislative Committee in recommending Board positions is:

- Support:
The Board supports the current version of the bill. This designation commits the Board to full involvement in the legislative process including sending letters to key people, conferring with key people prior to committee hearings and testifying at hearings by Board members, Legislative Committee members or senior staff.
- Support if Amended:
The Board generally supports the concept or intent of the bill. Technical flaws need to be corrected before the Board will fully support the bill. The Board identifies the amendments

Legislative Committee (Cont.)

or requirements that must be met in order for support to be obtained. Should the requested amendments or requirements be accepted, the Board's position will

change to support. This designation commits the Board to full involvement in the legislative process as discussed above.

- **Oppose:**
The Board is opposed to the current version of the bill. This designation commits the Board to involvement in the legislative process as discussed above.
- **Oppose Unless Amended:**
The Board is opposed to the bill but is willing to work with the author and sponsor of the bill to resolve the Board's concerns about the bill. The Board identifies the amendments or requirements that must be met to remove the Board's opposition. Should the requested amendments or requirements be accepted, the Board will adopt a support position.
- **Watch**
The Board has some interest in the bill because it potentially may affect the work of the Board. This designation requires careful tracking through the legislative process.

Technical Advisory Committee

(Board Policy – Adopted 8/15/97, amended 10/10/97, 12/12/97, 2/20/98, 2/4/00, 12/1/00)

Technical Advisory Committee

(Cont.)

The purpose of the Technical Advisory Committee is to:

- Accept tasks assigned by the Board, typically the tasks require professional input,
- Develop information and evaluate tasks assigned by the Board,
- provide recommendations to the Board, advise the Board of potential problem areas and provide the Board with a summary of background information and
- form a pool of expertise readily available to assist the Executive Officer and the Board in enforcement functions.

The Committee shall consist of seven voting members. Two memberships shall expire on June 30, 1999, two memberships shall expire on June 30,

2000 and three memberships shall expire on June 30, 2001.

The composition of the Committee should strive to be representative of various disciplines of geology and geophysics and various geographic areas of California and should be a majority of licensees.

Meetings shall be held throughout the state as Board-directed work requires.

Ad Hoc Committees

(Board Policy – Adopted 8/15/97)

The Board may establish ad hoc committees as needed.

Advisory Capacity

(Board Policy - adopted 2/20/98, amended 2/4/00)

Committees are advisory and recommend actions to the Board. Recommendations and reports shall be submitted to the Board for consideration and possible action.

Agendas

(Board Policy – Adopted 12/12/97, amended 2/20/98, 2/4/00)

Agendas shall focus on the specific tasks assigned by the Board and include:

- Public comment
- Time for committee members to recommend new areas of study to be brought to the Board's attention for possible assignment.
- Only those information items dealing with subjects assigned to the respective committee.

Committee chairs shall confer with the Board President prior to including any agenda item that is not clearly within that committee's assigned purview.

If more than two Board members will attend a Committee meeting, the agenda shall contain the statement: "Notice of a Board meeting indicates that three or more members of the Board are present. While the law requires the Board to notice this also as a Board meeting, it is not the intent to take action as a Board at this meeting."

Appointments

(Board Policy – Adopted 8/15/97, amended 2/4/00)

At the last meeting before the end of the fiscal year, standing committees shall make recommendations for possible members.

The President shall appoint, subject to the approval of the Board, the members to fill positions with expired terms of each standing committee.

The Board President shall appoint, subject to the

approval of the Board, members to ad hoc committees.

Attendance at Committee Meetings

(Board Policy – Adopted 8/15/97, amended 2/20/98)

If a Board member wishes to attend a meeting of a committee of which he/she is not a member, that Board member shall obtain permission from the Board President.

It is recommended that non-Committee Board members sit in the audience and not participate in the meeting discussion.

Ex-Officio Members

(Board Policy – Adopted 10/10/97, amended 12/12/98, amended 6/4/99)

The Examination Committee, Legislative Committee and Technical Advisory Committee shall include one public Board member and one professional Board member who shall serve as ex-officio members.

If necessary to establish a quorum, first the professional Board member and second the public Board member may be allowed to vote.

The Enforcement Oversight Committee will not include ex-officio members.

Dual Membership

(Board Policy – Adopted 12/1/00)

An individual cannot serve concurrently on more than one standing advisory committee.

Meeting Rules

(Board Policy – Adopted 8/15/97)

Meetings will be conducted under Robert's Rules of Order to the extent that it does not conflict with the Bagley-Keene Open Meeting Act.

Minimum Qualifications

(Board Policy – Adopted 12/1/00)

The minimum qualifications for a licensee member of a standing advisory committee are:

- ten years of professional experience in his or her field,
- current California licensure as a geologist or geophysicist,
- no pending or prior disciplinary action.

Minimum Qualifications (Cont.)

Record of Meetings

(Board Policy – Adopted 8/15/97, amended 2/4/00)

The minutes are a summary, not a transcript of each committee meeting.

The minutes shall be prepared by Board staff and submitted for review by Committee members within

submitted for review by Committee members within 20 working days of the meeting.

Committee minutes shall be approved at the next scheduled Committee meeting and serve as the official record of the meeting.

Approved minutes of the open session are available for distribution to the public and shall be posted on the Board's website.

Recruitment

(Board Policy – Adopted 10/10/97, amended 2/4/00)

The Board shall recruit interested persons to serve on appropriate committees regardless of licensing status.

Residence Requirement

(Board Policy – Adopted 12/1/00)

A member of a standing advisory committee must be a California resident.

Staff Participation

(Board Policy – Adopted 2/20/98, amended 2/4/00)

Board staff provides advice, consultation and support to committees.

Tape Recording

(Board Policy – Adopted 8/15/97)

Public committee meetings are tape-recorded. Tape recordings shall be retained for one year. Closed session proceedings shall be taped at the discretion of the Committee

Terms of Members

(Board Policy – Adopted 10/10/97, amended 12/12/97, 2/20/98, 2/4/00)

Examination Committee, Legislative Committee and Technical Advisory Committee members shall serve multi-year terms.

Examination Committee, Legislative Committee and Technical Advisory Committee terms shall be three years and members shall serve a maximum of two full, consecutive terms. An individual may be reappointed after not serving for one full term on the same committee.

Incumbent committee members may continue to serve a grace period of no more than six months or until a replacement is appointed.

Chapter 5. Travel Procedures

Travel Approval

*(Board Policy - Adopted 8/15/97,
amended 2/4/00)*

Board members shall have the Board President's approval for all travel except for regularly scheduled Board and Committee meetings to which the Board member is assigned.

If a Board member requests within the 10-day notice period to attend a meeting of a committee of which he or she is not a member and such request requires the meeting to be noticed also as a Board meeting, the request will not be approved.

Arrangements for travel are made by the Board's staff.

Chapter 6. Security Procedures

Request for Records Access

(Board Policy - Adopted 8/15/97)

No Board member may access a licensee's or candidate's file without the Executive Officer's knowledge and approval of the conditions of access. A notation of the Board member's access to the record shall be entered in the file. Records or copies of records shall not be removed from the Board's office.

Contact with Candidates, Licensees, Complainants, Respondents

(Board Policy - Adopted 8/15/97)

Board members shall not intervene on behalf of a candidate or licensee for any reason. They should forward all contacts or inquiries to the Executive Officer or Board staff.

Board members shall not directly participate in complaint handling and resolution or investigations. If a Board member is contacted by a respondent or his/her attorney, he/she shall refer the individual to the Executive Officer or Board staff.

Gifts from Candidates

(Board Policy - Adopted 8/15/97)

Gifts of any kind to Board members or staff from candidates for licensure with the Board shall not be permitted.

Examination Preparation

(Board Policy - Adopted 8/15/97, Amended 10/10/97)

Each person having access to examination content shall sign a security agreement.

Examination banks shall not be removed from the Board's office. Final revisions to examinations and revisions to examination banks shall be done at the Board's office.

Chapter 7. Board Association

ASBOG

(Board Policy - Adopted 8/15/97)

The Board shall maintain membership in the National Association of State Boards of Geology (ASBOG).

The President and Vice President shall represent the Board at ASBOG's Annual Meeting.

CLEAR

(Board Policy - Adopted 8/15/97)

The Board shall maintain membership in the Council on Licensure, Enforcement and Regulation

Chapter 8. Information

Complaint Disclosure

(Board Policy – Adopted 8/14/98, amended 2/5/99)

Upon request, the Board shall provide information regarding actionable complaints resulting in non-disciplinary action closed within the preceding three years.

Upon request, the Board shall provide information regarding all closed actionable complaints resulting in disciplinary action.

The Board shall provide information regarding all accusations/statements of issues once the accusation/ statement of issues is served.

Closed actionable complaints are defined as complaints that the Board has (1) investigated, (2) determined that there was a violation of the law(s) regulating the practice of geology or geophysics and (3) taken non-disciplinary action (warning letter, cease and desist, mediation) or (4) taken disciplinary action (citation and/or fine, accusation, statement of issues).

The Board shall disclose only the following information regarding closed actionable complaints: person complaint is against, license number (if licensed), number of complaints, nature of the complaint, action taken, result(s) of action and date of closure.

The Board shall disclose information regarding open complaints only if an accusation or statement of issues has been filed and served.

Enforcement staff shall make the following disclosure statement: "The Board has (number) complaint(s) against this individual. The matter(s) has(have) been forwarded to the Attorney General's Office and an accusation/statement of issues has been served. There are no confirmed violations of the Geologist and Geophysicist Act. A copy of the accusation/statement of issues is available by submitting a written request to the Board."

Staff shall not provide any additional information.

Disciplinary Actions

All final decisions by the Board following formal disciplinary proceedings of alleged violations of the

(Board Policy – Adopted 2/20/98)

Act shall be published on the Board's website after the effective date of the decision.

Directory of Licensees

(Board Policy – Adopted 2/20/99)

A directory of all licensees containing, name, address, type of license, license number, expiration date shall be published on the Board's website.

Chapter 9. Enforcement

Licensee Disciplined in Other States

(Board Policy – Adopted 12/3/99)

The Board will consider enforcement action against California licensees who have been disciplined in other states in accordance with B&P section 141.

The Board's enforcement staff will determine if there are grounds for disciplinary action in California and take appropriate action.

Conclusion

This Board Member Administrative Procedure Manual serves as reference for important laws, regulations, Department of Consumer Affairs policies and Board policies in order to guide the actions of the Board members and ensure Board effectiveness and efficiency.

References

The procedures in this manual are specific to the Board. Suggested references for additional important information are:

Board Member Orientation and Reference Manual,
DCA

Business and Professions Code, sections 103, 106,
106.5, 7810, 7815.5, 7816, 7817, 7823

California Code of Regulations, sections 3004 3006

California Government Code, sections 1750, 11120
et seq., 11146 et seq.

State Administrative Manual, section 700 et seq.